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July 11, 2019

By ECF and Hand Delivery

The Honorable P. Kevin Castel
U.S. District Court, Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007-1312

Valassis Communications, Inc. v. News Corporation, et al.,
No. 1:17-cv-07378-PKC (S.D.N.Y.)

Dear Judge Castel:

We write on behalf of Defendants (collectively, "NAM"). Pursuant to Section 3.A of Your Honor's Individual Practices, NAM is submitting today a pre-motion letter setting forth the bases of a renewed motion for summary judgment based on the supplemental report and testimony of Plaintiff Valassis's damages expert (Dr. Levinsohn). NAM's letter refers to, and attaches exhibits containing, information that one or both parties has designated confidential, including certain very limited information in certain exhibits that NAM believes should be maintained under seal. For the convenience of the Court, we are faxing a clean and un-redacted copy of the pre-motion letter to Chambers, pursuant to Section 1.A(ii) of Your Honor's Individual Practices. Courtesy copies of the letter and exhibits, reflecting NAM's proposed redactions to the exhibits, will also be hand delivered to Chambers and will be served on counsel for Valassis via email. We are simultaneously filing a motion to seal those limited portions of the exhibits to the letter that satisfy the standard for sealing set forth in *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006).

Consistent with prior orders that Your Honor has entered in this case (Dkt. Nos. 130, 181; *see also* Dkt. Nos. 150, 166, 174, 201, 224, 242), NAM respectfully proposes that Valassis be permitted seven days to move to seal any additional information in NAM's pre-motion letter or the exhibits thereto. NAM likewise proposes that it be permitted seven days following the submission of any response by Valassis to the pre-motion letter that includes confidential information to move to seal material that

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meets the *Lugosch* standard. NAM will promptly file copies of its pre-motion letter and exhibits on the docket, reflecting any appropriate redactions, in response to a sealing order from the Court.

NAM has conferred with Valassis and understands that Valassis opposes the filing of a renewed summary judgment motion.

Respectfully submitted,

/s/ Kenneth A. Gallo
Kenneth A. Gallo

cc: Counsel of Record (by ECF)